G. R. S. IX-5]

Previous references.

do 303-12-13(1-16)

1916-17

(Courts)

File No. 283-16

Serial Nos. 1 & 2

Later references.

Cts 121-17 (9, 24, 26, 30, 35, 39, 93, 94)

P

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B for July 1917

SUBJECT.

Reciprocal arrangements for extraditing Criminals between Mewar State and Mysore.

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2) To the F. A. Resident

No Pol 96 dt 27. 7. 17

States that the Durbar are prepared to enter into an agreement with the State if the reciprocity suggested is limited to offences extraditable under the law in British India.

W D 8 GPB—50,000—24-7-16

Md Abdur Rahman
11. 8. 17

G. R. S. 11] 1916.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 283-16

FILE HEADING.

Reciprocal arrangements for extraditing criminals between Mewar State and Ajmer

From

The Agent to the Resident

No. 1398 Dated 23.2.17 Received 24.2.17

Diary No.	Enclos.	Spare Copies.	Serial No.
1897	4		1

BRIEF ABSTRACT OF LETTER.

Forwards copy of a letter from the Agent to the Governor General, Rajputana, on the above subject and requests to be favoured with the views of the Durbar in the matter.

NOTES AND ORDERS.

The Mewar Durbar are said to be agreeable to enter into a reciprocal arrangement for the surrender of fugitive offenders in accordance with the rules two copies of which have been forwarded. The rules are 22 in number and provide for the surrender of ~~criminals~~ persons accused

NOTES—First Sheet.

1892

WD 1233—GPB—60,000—1-12-16—S. 12

G. R. S. III-2

General and Revenue Secretariat.

C/S File No. 283 of 1916

Serial No.

of offences contained in the Schedule annexed with exception of Jagirdars & officers who are not to be surrendered. If their punishment is desired the State to which they belong is to take action. Persons accused of non-scheduled offences are to be proceeded against by aggrieved persons themselves or their State will have to send prima facie proof for punishment being inflicted. Provision is made for the arrest of accused persons, for procuring defence evidence & for payment of diet money to witnesses. The usual period of remand of 60 days is provided & the arrangement is to continue until either of the Contracting ~~to~~ States gives 3 months notice.

2) The Schedule contains offences which are not extraditable under the law in force in Brit India as offences against State &c. The offences are simply mentioned by name & what constitutes ~~the offences~~ any of the offences is not defined. It may perhaps be sufficient if the reciprocal arrangements is limited to offences ~~offences as defined in the IPC &~~ extraditable under the laws in force in Brit India as in the case of Sandur and Banganapalle.

Copy of Extradition Act put up

Subd for orders

7/4/17

Note III

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Cts File No. 283 of 1916-17

Serial No.

3) A draft of this Resolution may be put up accordingly.

4) The rules proposed about offences committed by the Jagheedars or other officers of the State are rather novel and do not find an analogy in any other criminal law. The "officer" is not defined and may include any servant of the State. The number ~~required~~ of the peons and sawars that are required to proceed to Mewar to identify the accused ~~and~~ is an artificial standard and will in practice lead to inconvenience.

5) A revised draft is submitted for favour of approval of the orders.

First Member

341
25.7

B

2 To see the Resident

25/7

no 96 2 the July 17

States that the Chiefs are prepared to enter into an agreement with the State if the reciprocity suggested is limited to offences cognizable under the law in British India.

NOTE—Contn. sheet.

I. List of offences not included in the Mewar Schedule but mentioned in the Indian Extradition Act, 1903.

1. Frauds upon creditors (Section 206. I.P. code)
2. Resistance to arrest (Section 224) - do -
3. Offences relating to coin & stamps. (Sections 235-238, 242 to 263A.)
4. Causing miscarriage & abandonment of child (Sections 312 to 317).
5. Offences relating to hurt under Sections 319, 321, 323-4, 327, 328, 330, 332,
6. Wrongful confinement. (Sections 347, 348)
7. ~~Offences under Sections 372, 373,~~ (Kidnapping & slavery).
8. Offence under Section 377 (unnatural offences).
9. Fraudulent deeds etc; Sections 421 to 424
10. Mischief. Section 426 & 440.
(Note. What constitutes 'valuable property' has to be determined).
11. Desertion from any body of I. S. Troops.
12. Piracy by law of nations.
13. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
14. Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
15. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.
16. Any offence against any section of the I.P. Code or against any other law which may, from time to time, be specified by the Governor General in Council by notification in the Gazette of India either generally for all States or

Specially for any one or more States.

II List of offences mentioned in the Mewar Schedule but not included in the Extradition Act

1. Rebellion
   Mutiny
   Sedition } Against the State

2. Abetting escape of accused.
3. To be a member of a gang of badmashes. To rebel.
4. Giving & taking bribes.
5. Giving false evidence in a case.
6. House breaking
7. Criminal trespass.
8. Attempt to commit culpable homicide. Abetment of the same.

Letter No.646-651, dated the 8th February 1917, from the Agent to the Governor General in Rajaputana, to the Hon'ble the Resident in Mysore.

I have the honour to forward a translation of a khat No.79, dated the 15th December 1916, from the Mewar Darbar and of its -- enclosure from which it will be seen that the Mewar Darbar are prepared to enter into reciprocal arrangements, tentatively for a period of 2 years with the Mysore State on the lines of the rules which have been adopted in respect of the arrangements concluded between the Mewar State on the one hand and the States of Kotah, Jaipur, Gwalior and Marwar on the other.

2. I shall be obliged if you will be good enough to ascertain from His Highness the Maharaja of Mysore and inform me whether they agree to the adoption of the arrangements proposed by the Mewar -- Darbar.

DIARY No. 1189.
19 -19
SECTION
FILE No. 83-46
SERIAL No.

No. 1398

Mysore Resident's Office,
Bangalore, 23rd February 1917.

A copy of the foregoing letter and of its enclosures is forwarded to the Secretary to the Government of His Highness the -- Maharaja of Mysore, General Department, with the request that the Resident may be favoured with the views of the Durbar in the matter

G. S. G. Lucas

First Assistant Resident.

GEN. & REV. SECRETARIAT
III
JUDICIAL
24 FEB 1917

Abstract translation of vernacular khat No: 79. dated the 15th December 1916, from the Mehkma Khas, Mewar, to the Resident in Mewar.

We send herewith 15 copies of the draft rules framed by the Mewar Darbar for the extradition of criminals for transmission to the undermentioned Darbars with a view to ascertaining whether they are willing to enter into reciprocal arrangments with this State for the extradition of offenders, on the lines of these rules. The Mewar Darbar will be prepared to adopt reciprocal arrangements tentatively for a period of 2 years, with such of the State as may agree to the proposal.

Hyderabad, Mysore, Bhopal, Kolahpur, Bahawalpur, Bharatpur, Cutch, Karauli, Patiala, Rewah, Dholpur, Idar, Jaisalmer and Kishengarh.

Proposed Rules for the surrender of criminals between the Mewar State and the

1. Any person, resident of any place who commits in Mewar any of the offences mentioned below and goes or takes refuge in the States, which have entered into agreement, shall be handed over to the Mewar State on the usual requisition accompanied by a prima facie proof.
2. Any person, resident of any place, who commits any of the offences mentioned below in the States, which have entered into agreement, and comes or takes refuge in Mewar shall be made over on receiving an usual requisition accompanied by a prima facie proof.
3. Any Jagirdar or any officer of the States, which have entered into agreement, who commits an offence in the Mewar State and returns to his State shall not be handed over to Mewar but if the Mewar State desire his punishment a prima facie proof will be sent to the State concerned with request to punish the offenders.
4. Any Jagirdar or any officer of the Mewar State who commits an offence in the States, which have entered into an agreement, and comes into Mewar he shall not be handed over to the other State but if that State desire his punishment a prima facie proof shall be sent by them with the request to punish the offender.
5. When any accused, as laid down in rule 3, takes refuge or is found in any of the States (other than to which he belongs) which have entered into an agreement shall be arrested and handed over to the Mewar State.
6. When any accused as laid down in rule 4, takes refuge or is found in any of the States, which have entered into an agreement shall be arrested and handed over by the State in which he is found, to the State in which the offence was committed.
7. Any person of Mewar who sustains loss or is robbed in the States, which have entered into an agreement, or who traces his property or applies for its restoration, the local Raj Courts of the place where the loss was sustained or where the theft had occurred or

where the property was traced or restored will entertain, hear and decide such case.

(16

8. Any person, of the States which have entered into an agreement, who sustains loss or is robbed or who traces his property or applies for its restoration in Mewar the local Raj Court of the place where the occurrence took place shall entertain, hear and decide such cases.

9. The offenders charged with such offences as are not included in the schedule hereto attached, who commit an offence in Mewar and go and take refuge in the States, which have entered into an agreement, the subjects of Mewar will either seek redress in the States, which have entered into an agreement; or the Mewar State will send prima facie papers with the object of having the offenders punished.

10. The offenders charged with such offences, as are not included in the schedule hereto attached, who commit an offence in the States which have entered into an agreement and come and take refuge in the Mewar State, the subjects of the State which have entered into an agreement shall either seek redress in the Mewar State Courts or the States, which have entered into an agreement, will send a prima facie proof to the Mewar State for the purpose of having the offenders punished and steps shall accordingly be taken here.

11. The Mewar State shall not surrender an accused in any circumstances until the prima facie proof or formal requisition is received from the State where the occurrence took place.

12. The States, which have entered into an agreement shall not surrender an accused in any circumstances until they receive a formal requisition together with the prima facie proof from the Mewar State.

13. According to Rules 1, 3 and 5 above if an accused after committing an offence in Mewar goes or takes refuge in the States, which have entered into an agreement, the local Thanedar or any

other officer accompanied by 5 sepoys and 2 sowars (11
shall proceed to the State concerned and after giving his identity shall request the authorised officers of the States, which have entered into an agreement to assist him in arresting the accused and the property. When the arrest has been made he shall make over the criminal to the officer and get a receipt. If any search is necessary it shall be made formally i.e through local authorities.

14. According to rules 2, 4 and 6 above, if an offender commits an offence in the States, which have entered into an agreement, and comes and takes refuge in the Mewar State the local Thanedar and any other officer accompanied by 5 sepoys + 2 sowars shall enter the Mewar State and, after giving his identity shall request the authorised officer to assist him in arresting the criminal and when the arrest is made he shall hand over the accused and obtain a receipt. If any search is necessary it shall be made formally i.e through local authorities.

15. If any offender of the Mewar State as stated in rules 1 and 5 above goes into the States which have entered into an agreement and for whose arrest a prima facie evidence is sent by the Mewar State that prima facie evidence shall be considered sufficient for his surrender. If any dispute may arise regarding any point it shall be settled by the Resident in Mewar.

16. If any accused of the States which have entered into an agreement as stated in Rules 2 and 6 comes into the Mewar State and if for his extradition the States, which have entered into agreement send prima facie evidence this evidence shall be considered sufficient for his extradition. If any dispute may arise regarding any point it shall be settled by the Political officer of the State in which the occurrence took place.

17. The Mewar State or any of the States which have entered into an agreement, shall not refuse to surrender a criminal on receipt of prima facie evidence on the plea that on enquiry it is found that the criminal is not guilty.

18. If a criminal thus surrendered desires to produce for his defence any proof or witnesses from other States their evidence will be obtained, as far as practicable by issue of interrogatories otherwise summonses will be issued to such witnesses. In cases of a respectable person, a high official a Pardah Nashin woman, or a sick person, the evidence shall be obtained by the issue of a commission and interrogatories.

19. If witnesses are summoned at the instance of a criminal their travelling Expenses and diet charges according to their status, shall be paid by the State who calls for their attendance. The diet charges shall not be less than annas four per diem.

20. The prima facie papers against the accused arrested should be sent within 60 days from the date of his arrest vide rules 1, 2, 5 and 6 above otherwise the criminal shall be released and he shall not be rearrested for the same offence.

21. The result of the trial of an offender shall be communicated to the surrendering State.

22. This agreement shall remain in force until such time as a State does not signify its intention for its termination in which case intimation should be given 3 months beforehand

Schedule

1. Rebellion, Mutiny, Sedition } against the State
2. Abetting escape of accused.
3. To be a member of a gang of badmashes. To rebel.
4. Giving and taking bribes.
5. Giving false evidence in a case.
6. Counterfeiting or uttering false coin or making seal or plate for counterfeiting coin.
7. Murder and culpable homicide.
8. Attempt to murder, attempt to culpable homicide and abetment of the same.
9. Thagi
10. Abortion.
11. Grievous hurt
12. Kidnapping.
13. Dealing in slavery.
14. Rape
15. Theft.
16. Extortion
17. Robbery
18. Dakaiti
19. Criminal misappropriation.
20. Criminal breach of trust.
21. Receiving and keeping stolen property.
22. Cheating
23. Mischief causing damage to valuable property.
24. Arson
25. Criminal trespass
26. House breaking.
27. Making or using forged documents.

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7. Any person of Mewar who sustains loss or is robbed in the States, which have entered into an agreement, or who traces his property or applies for its restoration, the local Raj courts of the place where the loss was sustained ~~or~~ where the theft had occurred or -

where the property was traced or restored will entertain, hear and decide such a case.

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17. The Mewar State or any of the States which have entered into an agreement, shall not refuse to surrender a criminal on receipt of prima facie evidence on the plea that on enquiry it is found that the criminal is not guilty.

18. If a criminal thus surrendered desires to produce for his defence any proof or witnesses from other States their evidence will be obtained, as far as practicable by issue of interrogatories otherwise summonses will be issued to such witnesses. In cases of a respectable person, a high official a Pardah Nashin woman, or a sick person, the evidence shall be obtained by the issue of a Commission and interrogatories.

19. If witnesses are summoned at the instance of a criminal their travelling Expenses and diet charges according to their status, shall be paid by the State who calls for their attendance. The diet charges shall not be less than annas four per diem.

20. The prima facie papers against the accused arrested should be sent within 60 days from the date of his arrest vide rules 1, 2, 5 and 6 above otherwise the criminal shall be released and he shall not be rearrested for the same offence.

21. The result of the trial of an offender shall be communicated to the surrendering State.

22. This agreement shall remain in force until such time as a State does not signify its intention for its termination in which case intimation should be given 3 months beforehand

Schedule

Rebellion
Mutiny } against the State
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Abetting escape of accused.
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Dakaiti
Criminal misappropriation.
Criminal breach of trust.
Receiving and keeping stolen property.
Cheating
Mischief causing damage to valuable property.
Arson
Criminal trespass
House breaking.
Making or using forged documents.

नक्ल माहदा हवालगी मुजिमान दरमियाने राज मेवाड़ व रियासत

कोई शख्स मेवाडका बाशिन्दा हो या किसी और जगह मेवाड़ में जुरायम मुन्दर्जे जैलका इरतकाबकर माहदे शुदा पनाह पजीर हो जावे तो मामूली तौरपर सबूत जुर्म भेजे जाने पर सौंप दिया जावेगा.

२ कोई शख्स मेवाड का बाशिन्दा हो या किसी और जगह रियासत में जुरायम मुफस्सिले जैलका इरतकाब कर इलाके पनाह पजीर हो जावे तो मामूली तौर पर सबूत जुर्म भेजे जा सौंप दिया जावेगा.

माहदे शुदा रियासतका कोई जागीरदार या अफसर इला सिर्फ अपनी रियासत में चला जावे तो वो राज मेवाड़को सिर्फ सजादही के लिये राज मेवाड चाहे तो सबूत जुर्म उस रियास दिलानेकी कार्रवाई करावेगा.

४ राज मेवाड़का कोई जागीरदार या अफसर माहदे शुदा रि राज मेवाड में चला आवे तो ऐसा शख्स राज मेवाड से उ जहां उसने जुर्म किया है अलबत्ता वह रियासत चाहे तो सबूत मुजिमकी सजादही के लिये कार्रवाई करावे.

५ जब कोई मुजिम मुन्दर्जे दफा ३ दूसरी रियासत माहदे पाया जावे तो वह मुजिम गिरफ्तार होकर राज मेवाडके सि

G. R. S. VI—G/32]

267

SUBJECT Extradition of criminals between the Durbar and the ~~Mewar~~ Mewar State

Diary No. of letter replied to J. 1892

Fair Dft.

Section Cant5
File No. 283-16
Serial No.

GENERAL AND REVENUE SECRETARIAT
(Cant5)
, the 191 .

No. 90 96

Date of issue 17th July 1917

Signed by

To

The First Assistant to the Hon'ble the Resident

Sir,

Adverting to your endorsement no. 1398 dated 23rd February 1917 on the question of reciprocity in the matter of the extradition of criminals between this Durbar and the Mewar State, I am directed to point out that the schedule furnished by the Mewar Durbar contains offences which are not extraditable under the law in force in British India

over.

Besides, the offences are simply mentioned by name and what constitutes any of those offences is not also defined. The rule that five sepoys and two savars shall proceed to the State to identify an accused ~~will~~ likely cause much inconvenience in practice. Under these circumstances, I am directed to state that ~~the~~ Durbar are prepared to enter into an agreement with the Mewar State if the reciprocity suggested is limited to offences extraditable under the law in force in British India, as has been done in the case of the Sandur and ~~the~~ Banganapalli States, and the requisitions are sent through the Political Agent of the State.

I have &c.

Secretary to Govt
Genl Dept.

List of enclosures.

Copied by

Examined by